

Case No. 5:06-CV-8000
Gwin, J.

On May 29, 2007, the Court ordered Plaintiff Sugar to set out any new evidence or argument, if any, as to why the Court should not dismiss her case pursuant to the reasoning provided by *In re Meridia*, 328 F. Supp. 2d at 797-826. The Court allowed Plaintiff Sugar until June 20, 2007 to file her brief. [Doc. 8.] On June 20, 2007, Plaintiff Sugar filed a brief in opposition to dismissal. [Doc. 9.] In her filing, Plaintiff Sugar directed the Court's attention to the affidavit and curriculum vitae of Lawson F. Bernstein, Jr., M.D. Plaintiff Sugar already submitted these documents to the Court, however, in support of her Motion to Remand the case to New York State Court on August 28, 2006. [Doc. 2.] As admitted by Plaintiff, she "is mindful that these are not new submissions and [] does not represent them as such." [Doc. 9.] On June 29, 2007, Defendants Abbott Laboratories, Abbott Laboratories, Inc., and Knoll Pharmaceutical Company filed a response in support of dismissing this case. [Doc. 10.]

Because Plaintiff Sugar has not submitted any *new* evidence or argument regarding why the Court should not now dismiss her case, Plaintiff Sugar concedes that no basis exists for the Court to distinguish her case from those already considered and rejected. *See In re Meridia*, 328 F. Supp. 2d at 797-826.

Therefore, the Court **DISMISSES** Plaintiff's claim as against Defendants.

IT IS SO ORDERED.

Dated: August 29, 2007

s/ James S. Gwin
JAMES S. GWIN
UNITED STATES DISTRICT JUDGE